IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

CRP.No. 2712 of 2001(D)

AA.66/1998 of APPELLATE AUTHORITY (LR), ALAPPUZHA
OA.553/1981 of LAND TRIBUNAL, TRIVANDRUM

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REVN. PETITIONERS/RESPONDENTS 2 & 4/APPELLANTS 2 & 4):

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1. C.UNNIKRISHNAN,
PANDARAVILAKOM, T.C. 28/1279,
KUNNUMPURAM,
PUTHEN CHANTHAI,
VANCHIYOOR,
TRIVANDRUM.

2. B.MEENA, DO. DO.

BY ADV. SRI.G.S.REGHUNATH

RESPONDENTS/APPELLANTS, RESPONDENTS 3 & 10 TO 24/ 3RD APPLICANT,

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RESPONDENTS 6 TO 26) & STATE):

1. P.T.LALITHA MADHAVAN,
KUNNUKUZHI, TRIVANDRUM.

2. P.T.AMMINI AMMA,
DWARAKA, VAZHAYIL,
KARAKULAM P.O., TRIVANDRUM.

3. P.T.CHITRA, ALKA,
SANAKAR NAGAR, KARAMANA,
TRIVANDRUM.

4. GOWRI AMMA MADHAVIKUTTY AMMA,
T.C. 25/894, SUBRAMONIAM KOIL ROAD,
TRAMPANOOR, TRIVANDRUM. (REMOVED)

5. C.BHASKARAN, PANDARAVILAKOM,
T.C. 28/1279,
KUNNUMPURAM, PUTHEN CHANTHAI,
TRIVANDRUM.

6. P.RAMACHANDRAN,
GOVT. SERVANT CO-OPERATIVE SOCIETY LTD.,
45, PULIMOODU, TRIVANDRUM. (REMOVED)

7. S.THANKAPPAN, C/O.K.J.YESUDAS,
STREET NO.3, ABHIRAMAPURAM,
MADRAS - 600 018. (REMOVED)

8. S.GOPINATHAN, NIKATHIL VEEDU,
VARANAD.P.O., SHERTHALAI, ALAPPUZHA. (REMOVED)

9. S.RAJENDRAN, PANDARAVILAKATHU VEEDU,
KUNNUMPURAM, TRIVANDRUM. (REMOVED)

10. S.SASIKUMAR, TAILOR SHOP,
KANJIKUZHI MARKET, ALAPPUZHA.

11. C.OMANA AMMA, NURSING HOUSE,
VARANAD P.O., SHERTHALAI. (REMOVED)

12. C.SANTHAKUMAR, PANDARAVILAKATHU VEEDU,
KUNNUMPURAM, TRIVANDRUM.

13. C.PRASANNAKUMARI, T.C.39/1989,
LAYAMMUKKU, MANACAUD,
TRIVANDRUM. (REMOVED)

14. P.T.CHANDRASEKHARAN NAIR,
ASST. STORE KEEPER,
K.S.R.T.C. CENTRAL WORKS,
PAPPANAMCODE, TRIVANDRUM.

15. P.T.PUNITHAVATHY PADMANABHAN,
SANKAR NAGAR, KARAMANA,
TRIVANDRUM.

16. B.KAMALAMMA,
GOKULAM,
PULIPPARAMPUTHEN VEEDU, NEDUMANGAD.

17. G.RAJESWARI,
GOKULAM, DO. DO.

18. DR.G.PADMAKUMARI,
PROFESSOR, AGRI. COLLEGE,
VELLAYANI.

19. N.MOHANAKUMAR,
IIND GRADE INSPECTOR,
K.S.R.T.C. CENTRAL BUS STAND,
TRIVANDRUM.

20. G.SANTHAKUMARI,
HEAD NURSE,
GENERAL HOSPITAL,
TRIVANDRUM.

21. STATE OF KERALA,
REP. BY THE SECRETARY,
REVENUE DEPARTMENT,
SECRETARIAT, TRIVANDRUM.

(RESPONDENTS 4, 7, 8, 9 AND 11 REMOVED FROM PARTY ARRAY AS PER ORDER DATED 24/8/04 IN I.A. 2492/04 IN CRP 2712/01)
(RESPONDENTS 6 AND 13 REMOVED FROM PARTY ARRAY AS PER ORDER DATED 31/5/05 IN I.A. 1415/05 IN CRP 2712/01)

BY ADV. SRI.GEORGE VARGHESE(PERUMPALLIKUTTIYIL) (FOR R1,R2, R3 & 15)
GOVERNMENT PLEADER, SRI.R.BINDU(FOR R21)
SRI.RAVIDASAN.N.S. (FOR R5)
SRI.VPK.PANICKER

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 06/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J

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C.R.P. No.2712 OF 2001

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Dated this the 6th day of September 2007

ORDER

This revision petition is preferred against the order of the Appellate Authority(LR), Alappuzha in A.A.No.66 of 1998. The subject matter of the revision petition is with respect to the purchase of a kudikidappu. There was a suit for redemption of the mortgage and it has been held that the plaintiffs are entitled to redeem the mortgage, but reserved the right of kudikidappu in favour of the person, who claimed it. When the matter came up before this court in O.P.No.10396 of 1987 this court in paragraph 3 of the judgment has extracted that "the District Court while disposing of the appeal protected the petitioner's right as kudikidappukari under the Land Reforms Act". This Court directed the Land Tribunal to pass an order in accordance with Section 80B of the K.L.R.Act. Thereafter the Land Tribunal passed an order whereby it found that as the total extent of the land involved comes to only 2.762 cents kudikidappu petition has to be allowed. The subject matter of the mortgage is only the same extent. Since the extent is less than 3 cents and as a kudikidappukaran or kudikidappukari

is entitled to 3 cents of property, under Section 80A(3) of the K.L.R.Act. I find that the Land Tribunal was perfectly justified in granting such an order in favour of the kudikidappukari. When the matter reached before the appellate court, the appellate authority simply disposed of the matter holding that the kudikidappukari is entitled to purchase the building area and the assessments attached thereto subject to limit found by the High Court in O.P.No.10396/1987. This court has not formulated any point regarding the extent that is to be given, but only found that the person is entitled to kudikidappu right and as the matter is pending before the Tribunal, final orders have to be passed. There is no dispute that the total extent involved is only 2.762 cents. When the entitlement to get kudikidappu is established, being a city limit, the kudikidappukari will be entitled to get 3 cents of land. As the subject matter involved in this petition is only 2.762 cents of land, I find that the appellate authority unnecessarily had made some observations which will confuse the point in issue.

Therefore, I set aside the order of the appellate authority and confirm the order of the Land Tribunal whereby the persons is entitled to have kudikidappu right over 2.762 cents of land in Sy.No.917 of

Vanchiyoor Village in Thiruvananthapuram Taluk with the building thereon towards kudikidappu.

C.R.P. is allowed.

M.N.KRISHNAN, JUDGE

Cdp/-